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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 BOBBY JOE JOHNSON, JR.,
7 Plaintiff,

8 v.

9 DAN PACHOLKE, *et al.*,
10 Defendants.

Case No. C08-5426BHS

ORDER DENYING MOTION TO
APPOINT COUNSEL

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12 The Court, having reviewed Plaintiff's request for appointment of counsel, (Dkt. #18), the
13 pleadings filed in support and in opposition thereto, and the balance of the record, does hereby find and
14 ORDER:

15 (1) There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
16 Although the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in*
17 *forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d
18 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe,
19 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the
20 likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of
21 the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

22 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it
23 appears that this case does not involve exceptional circumstances which warrant appointment of counsel.

24 Accordingly, Plaintiff's Motion to Appoint Counsel is **DENIED**.

25 DATED this 5th day of January, 2009.

26
27 /s/ J. Kelley Arnold
J. Kelley Arnold
28 United States Magistrate Judge